

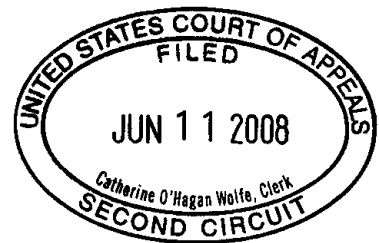
S.D.N.Y.-N.Y.C.  
07-cv-3308  
Griesa, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 11<sup>th</sup> day of June, two thousand eight,

Present:

Hon. Pierre N. Leval,  
Hon. Guido Calabresi,  
Hon. Rosemary S. Pooler,  
*Circuit Judges.*

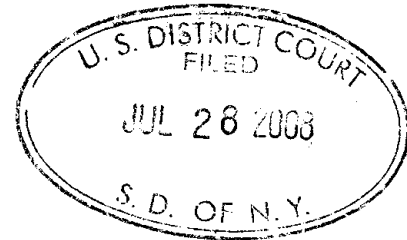


A.C. and H.C., by their next friend Barbara Weiner,  
individually,

*Plaintiffs-Petitioners,*

v.

08-1643-mv



John Mattingly, in his official capacity as Commissioner  
of the New York City Administration for Children's  
Services, *et al.*,

*Defendants-Respondents.*

Petitioners, through counsel, move, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order denying their motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001). Norma Balbuena, through counsel, moves to intervene. Upon due consideration, the motion is DENIED.

USDC SDNY  
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FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: *Franklin R...*

SAO-RM TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by *[Signature]*

- ISSUED AS Mandate -